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COMMISSION ON HUMAN RIGHTS
Fiftieth session
Agenda item 10

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Angola, Burundi*, Cameroon, Côte d'Ivoire*, Ethiopia*, Gabon, Ghana*, Kenya, Lesotho, Liberia*, Madagascar*, Malawi, Mauritania, Mauritius, Morocco*, Nigeria, Rwanda*, Senegal*, Sudan, Swaziland*, Togo, Tunisia, United Republic of Tanzania*, Zambia* and Zimbabwe*: draft resolution

Assistance in the field of the administration of justice and human rights

The Commission on Human Rights,

Recalling its resolution 1993/32 of 5 March 1993 and resolution 1993/41 of 5 March 1993 in which, inter alia, it stressed the desirability of providing States, at their request, with continued assistance in the field of the administration of justice,

Mindful of the recommendations relating to the administration of justice and human rights contained in the Tunis Declaration (A/CONF.157/AFRM/14) adopted by African States at the Regional Meeting for Africa of the World Conference on Human Rights,

Mindful also of the recommendations relating to human rights in the administration of justice contained in the Vienna Declaration and Programme of Action (A/CONF.157/23) adopted by the World Conference on Human Rights, held at Vienna from 14-25 June 1993,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council

Welcoming General Assembly resolution 48/137 of 20 December 1993 entitled "Human rights in the administration of justice",

Noting with satisfaction the report of the Secretary-General on advisory services in the field of human rights, including the Voluntary Fund for Technical Cooperation in the Field of Human Rights (E/CN.4/1994/78 and Corr.1 and Add.1),

Emphasizing the principle of the indivisibility and interdependence of all human rights and fundamental freedoms,

Bearing in mind that the validity and universality of human rights must be promoted and protected by all,

Reaffirming the primary responsibility of all Governments to ensure respect and protection for human rights and fundamental freedoms,

Aware that the historical, cultural and traditional contexts should allow each society to develop its own national and regional mechanisms to ensure the promotion and protection of human rights,

Recognizing that the rule of law and the proper administration of justice are prerequisites for sustainable economic and social development,

Aware of the importance of national and regional intergovernmental human rights bodies and institutions in the promotion and protection of human rights,

1. Emphasizes that civil and political rights cannot be separated from economic, social and cultural rights or from rights embodied in other international instruments on human rights;

2. Reaffirms the standards set forth in the International Bill of Human Rights, the African Charter on Human and Peoples' Rights and other international and regional human rights instruments;

3. Acknowledges that it is the primary responsibility of all Governments to promote and protect human rights;

4. Commends the considerable efforts of African and other developing countries to improve the administration of justice and to promote and protect human rights notwithstanding the limited financial and material resources at their disposal;

5. Urges Governments to pay more attention to the needs of the institutions concerned with the administration of justice by allocating more

human and material resources to them to enable them to contribute more efficiently to the promotion and protection of human rights;

6. Appeals to Governments to include in their national development plans the administration of justice as an integral part of the development process and to allocate adequate resources for the provision of legal aid services with a view to the promotion and protection of human rights;

7. Appeals to the international community to provide assistance, at the request of the Governments concerned, for the provision of, inter alia, legal aid services and for the general improvement of the judicial and penal infrastructures with a view to ensuring the promotion and protection of human rights in Africa and other developing countries;

8. Invites the international community to respond favourably to requests for financial and technical assistance made by institutions concerned with the promotion and protection of human rights in African and other developing countries with a view to enhancing and strengthening their national capacities to promote and protect human rights consistent with the standards set forth in international and other human rights instruments;

9 Commends those developed countries that have over the years given financial assistance to the United Nations programme of advisory services and technical assistance in the field of human rights, and appeals to them to consider increasing their assistance;

10. Urges the Secretary-General to consider favourably applications for assistance made by African States and other developing countries regarding the creation and strengthening of national institutions concerned with the administration of justice within the framework of the United Nations programme of advisory services and technical assistance in the field of human rights;

11. Encourages the Governments of African and other developing countries to avail themselves of the United Nations programme of advisory services and technical assistance in the field of human rights, particularly with a view to strengthening national institutions concerned with the administration of justice;

12. Requests the Secretary-General to report to the Commission at its fifty-first session on the provision of technical assistance and advisory

services in the field of the administration of justice to Governments desiring to improve their protection and promotion of human rights.

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COMMISSION ON HUMAN RIGHTS
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Agenda item 17

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-FIFTH SESSION

Australia, Canada, Denmark*, Germany, Japan, Norway* and Sweden*: draft resolution

Work of the Sub-Commission on Discrimination and Protection of Minorities

The Commission on Human Rights,

Taking note of the report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-fifth session (E/CN.4/1994/2-E/CN.4/Sub.2/1993/45),

Expressing its appreciation for the positive contribution made by the Sub-Commission to the promotion and protection of human rights,

Recalling the terms of reference of the Sub-Commission as defined by the Commission and its particular responsibilities established, inter alia, in Commission resolutions 8 (XXIII) of 16 March 1967 and 17 (XXXVII) of 10 March 1981, Economic and Social Council resolutions 1235 (XLII) of 6 June 1967 and 1503 (XLVIII) of 27 May 1970, and the relevant resolutions of the General Assembly,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Recalling also its resolution 1992/66 of 4 March 1992, in which it provided certain guidelines for the work of the Sub-Commission, and Economic and Social Council resolution 1991/32 of 31 May 1991 on strengthening the independence of the experts members of the Sub-Commission,

Noting that the Sub-Commission has already elaborated guidelines for its work,

Noting also that the Sub-Commission has decided, in its resolution 1993/4 of 20 August 1993 to convene, during its forty-sixth session and in pursuance of the invitation contained in Commission resolution 1993/28 of 5 March 1993, a sessional working group to continue the study of its methods of work,

Taking note of the report of the Chairman of the Sub-Commission at its forty-fifth session (E/CN.4/1994/70) and the proposals contained therein,

Noting with appreciation the dialogue and the spirit of cooperation between the Commission and the Sub-Commission, as reflected in the mutual exchange of information by their respective chairpersons, in accordance with paragraphs 17 and 18 of Commission resolution 1990/64 of 7 March 1990,

Convinced of the need for a further strengthening of substantial and meaningful dialogue between the Commission and the Sub-Commission,

Also convinced that it is essential that the impartiality and the objectivity of the Sub-Commission and the independent status of its members and their alternates should continue to be its guiding principles,

Further convinced that the credibility and effectiveness of the Sub-Commission as an expert human rights body are dependent on Governments nominating and the Commission electing as members and alternates of the Sub-Commission only individuals who possess genuine expertise in the field of human rights and who are able to act independently of their Governments,

Stressing the valuable role that the Sub-Commission, as a body of independent experts, can play, inter alia, in addressing new developments in the field of human rights and also in providing a forum for the contributions of non-governmental organizations in the field of new developments,

Mindful of the important contribution in general that non-governmental organizations in consultative status with the Economic and Social Council can make to the work of the Sub-Commission, in conformity with the principles

embodied in Council resolutions 1296 (XLIV) of 23 May 1968 and 1919 (LVIII) of 5 May 1975,

Convinced that it is highly appropriate for the Commission to give considered attention to the work of the Sub-Commission and thereby maintain the effectiveness of both bodies in their respective roles,

Recalling the continuing importance for the Commission to give guidance to the Sub-Commission, and for the Sub-Commission to follow that guidance, in the light of the mandate already granted to it, in order to ensure the complementarity of its activities with those of the Commission,

1. Reaffirms that the Sub-Commission on Prevention of Discrimination and Protection of Minorities can best assist the Commission on Human Rights by providing it with recommendations based on the different views and perspectives of independent experts, which should be appropriately reflected in the report of the Sub-Commission, as well as in the expert studies carried out under its auspices;

2. Calls upon the Sub-Commission, in the fulfilment of its functions and duties, to be guided by the relevant resolutions of the Commission and the Economic and Social Council;

3. Welcomes Sub-Commission resolution 1992/8 of 26 August 1992 and the guidelines annexed thereto;

4. Requests the Sub-Commission to implement fully those guidelines;

5. Also requests the Sub-Commission to pay attention to the guidelines concerning the number of studies and to establish priorities relating to its work so as to avoid requesting the Commission's approval of more studies and similar activities than provided for in the guidelines;

6. Further requests the Sub-Commission to restrict its requests to the Secretary-General to ask Governments, intergovernmental organizations, the specialized agencies and other such bodies for their views and comments on requests relating to those studies that have received prior explicit approval from the Commission;

7. Reiterates its invitation to the Sub-Commission to continue, in particular in the forthcoming sessional working group to be convened pursuant to Sub-Commission resolution 1993/4, its consideration of ways in which its work

should be improved, with a view to making recommendations, in particular on the following points:

(a) Initiatives for better coordination with the Commission;

(b) Proposals concerning the rationalization of the agenda, bearing in mind, inter alia, the relationship between the agenda of the Sub-Commission and that of the Commission;

(c) Initiatives which would facilitate the widest possible dissemination of the findings of the Sub-Commission, such as the preparation of a short summary of each completed study, the purpose being that the summaries of all studies completed during a session should be published separately in various languages, for example in the Fact Sheet series of the Centre for Human Rights, thus contributing to better publicity for the studies;

8. Reaffirms that one of the tasks of the Sub-Commission is a thorough examination of information concerning alleged human rights violations, as well as the presentation of the results of the examination to the Commission;

9. Invites the Sub-Commission to continue to give due regard to new developments in the field of human rights;

10. Notes the initiative of the Sub-Commission to request information about emergency situations and welcomes this as a new development which should be applied in appropriate circumstances relating to human rights and to which Governments should give a prompt and appropriate response;

11. Calls upon States to nominate as members and alternates persons meeting the criteria of independent experts, who should discharge in that capacity their functions as members of the Sub-Commission, and to respect fully the independence of elected members and alternates;

12. Request the Secretary-General to continue to give strong support to the Sub-Commission and, in particular, to ensure that Sub-Commission documents are available in all languages in good time before the session;

13. Invites the Chairman of the Commission to inform the Sub-Commission on the debate under this item;

14. Decides to invite the Chairman of the Sub-Commission at its forty-fifth session to come for consultations with the members of the Bureau of the Commission at an appropriate time during the meeting of the Bureau of the Commission at the conclusion of its fiftieth session and the Chairman of the Sub-Commission at its forty-sixth session to report to the Commission at its fifty-first session on the progress made concerning the issues referred to in the present resolution and on significant aspects of the work of the Sub-Commission.